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TRULINCS 05711068 - BANKS, FREDERICK H - Unit: ATL-J-A

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FOURTH CIRCUIT

FROM: 05711068

TO:

SUBJECT: IFP motion

DATE: 05/11/2017 10:37:47 AM

United States Court of Appeals

Frederick Banks, Plaintiff

v.

Case No.

Kelly Forbes, FMC Butner;
United States Marshals Service;
Mark Hornak; D. Drew, Warden, USP Atlanta;
J.C. Holland, Warden FMC Butner; S.A. Sean Langford;
James Comey; Mike Pompeo; Central Intelligence
Agency; Federal Bureau of Investigation; AUSA Robert
Cessar; Soo Song, US Attorney; US Attorney This District;
United States of America; Federal Bureau of Prisons;
Thomas Kane, Acting FBOP Director et al Defendant's

PEETITION FOR A WRIT OF MANDAMUS AND FOR IMMEDIATE DISCHARGE AND HABEAS CORPUS 28 USC 2241
Plaintiff Frederick Banks moves the court for a writ of mandamus and immediate discharge and represents as follows;
1. Banks was lodged into FMC Butner a mental hospital on 12/6/16 and kept their for over 4 months in violation of 18 USC 4241 (d). In her report Dr. Allissa Marquez found that Banks had no mental illness. In the meanwhile Banks filed a Habeas Petition and appealed to the 4th Circuit. That case is still pending. See Banks v. Hornak (4th Cir.) The oral argument in the Banks v. Hornak case was scheduled for May 9, 2017. One day before the argument was to be held Banks was transferred from FMC Butner out of the 4th Circuit to USP Atlanta in the 11th Circuit in violation of FRAP 23(b). The only reason he was transferred was to pull him from the jurisdiction of the 4th Circuit because the government feared he would be released by the appeals court. It was improper to transfer him and Banks has an indisputable right to relief pursuant to FRAP 23(b). The A clear duty under that Rule was violated when Banks was transferred out of the 4th Circuit for an improper purpose and under Rule 23(b) Respondents owed Banks a duty to keep him in the 4th Circuit while the Habeas Appeal was pending. Kelly Forbes lied to US District Court and AUSA Cessar when she stated Banks refused medication. FMC Butner never proscribed any medication and it's a good thing because Dr. Marquez later found that Banks had no mental illness!!!
2. Banks moves this court to order that Respondents transfer Banks back to FMC Butner or immediately release him as he is being unlawfully held and confined at USP Atlanta. WHEREFORE, the Petition should be granted. Executed this 11th day of May, 2017 under the penalty for perjury. Counsel should be appointed and a hearing held the court should order the government and respondents to disclose the FISA electronic surveillance 50 USC 1806(f) because under FISA the CIA caused Banks to be unlawfully held and confined.


Frederick Banks, 05711068, USP Atlanta, PO Box 150160, Atlanta, GA 30315 PLAINTIFF

MOTION TO PROCEED IN FORMA PAUPERIS

Plaintiff Frederick Banks moves the court to proceed in forma pauperis and represents;

1. Banks is civilly committed and incompetent. The Prison Litigation Reform Act does not apply to an incompetent defendant. See Banks v. Hornak(4th Cir.) at Brief for Petitioner citing cases
 2. Banks has no income or funds. He was placed into transit by defendant's to try and disrupt the Banks v. Hornak (4th Cir) litigation. Banks has only received 600 in the last 12 months from friends and family
 3. Banks does not have access to his inmate account statement and staff won't provide it. The court should order USP Atlanta and FMC Butner to provide the trust fund statement
 4. Banks has no dependents and has been incarcerated over 21 months.
 5. The Court should allow Banks to proceed In forma Pauperis
- WHEREFORE, the foregoing Motion should be granted.

Respectfully submitted,


Frederick Banks Dated: 5/10/17

Frederick Bank's

#05711068

USp Atlanta

Po Box 150160

Atlanta, GA 30315



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Patricia O'Connor

Chief, US Court of Appeals

Lewis F. Powell Jr US

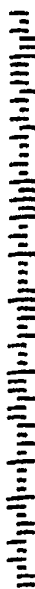
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1100 East Main Street

Richmond, VA 23219-3525

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